

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE


UNITED STATES OF AMERICA,)	Case No. 06-594-JPD
)	
Plaintiff,)	
)	
v.)	ORDER DENYING STIPULATED
)	MOTION TO EXTEND TIME TO
JONG CHUN BAE,)	FILE INDICTMENT
)	
Defendant.)	

On November 30, 2006, the parties to the above-captioned matter filed a Stipulated Motion to Extend Time to File Indictment. Dkt. No. 13. The motion argued that granting a continuance would satisfy the “ends of justice” by providing the parties additional time “necessary to review discovery materials, investigate the facts and to negotiate a resolution to this matter.” *Id.* at 1. In addition, they argued that failure to grant the extension would deny defendant his right to have a reasonable amount of time to prepare for trial. *Id.*

Congress, however, “did not intend the ‘ends of justice’ exclusion to be granted as a matter of course but rather [intended it] to be used sparingly and only when necessary.” *United States v. Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence, an “ends of justice” exclusion may be granted only for a specific duration when “justified [on the record] with reference to the facts as of the time the delay is ordered.” *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154 (9th Cir. 2000). Generalized assertions that the “ends of justice” will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-55.

01 Here, the parties have provided no evidence, nor adduced any facts from the record
02 sufficient to justify granting a continuance. Instead, they have vaguely alluded to the fact that
03 a meeting between the parties may encourage resolution of this matter, and asserted that a
04 continuance would satisfy the ends of justice. Dkt. No. 12. These vague assertions are
05 insufficient to justify a continuance. Moreover, the Court notes that defendant has not filed a
06 waiver of his right to a speedy trial. The parties' motion is therefore DENIED.

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08 DATED this 30th day of November, 2006.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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